

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 9-15 are pending. Claims 9, 11 and 13 are independent, and hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed and specifically in page 10 (paragraph [0043]). It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(b) and §103(a)**

Claims 9-11 and 13 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. 2001/0041021 to Boyle (hereinafter, merely "Boyle").

Claim 12 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Boyle in view of Applecare Document: 122014.

Claim 14 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Boyle in view of US 2004/0004737 to Kahn (hereinafter, merely "Kahn").

Claims 15 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Boyle in view of US 2003/0076365 to Sesek (hereinafter, merely "Sesek").

### III. RESPONSE TO REJECTIONS

Claim 9 recites, *inter alia*:

“...wherein at least one of the image data and audio data to be reproduced is selected by a user **independently of the user’s operation to change the selected data.**” (Emphasis added)

Applicants respectfully submit that Boyle fails to teach or suggest the above identified features of claim 9. Specifically, Boyle does not teach or suggest at least one of the image data and audio data to be reproduced is selected by a user **independently of the user’s operation to change the selected data,** as recited in claim 9.

Specifically, the Office Action (page 9) asserts that in Boyle while a user cannot select the image or audio data the user wishes to reproduce once the host and handheld electronic device are connected to each other, a user may change data and sync the changed data, and refers to paragraph [0024] in Boyle. Thus, **in Boyle, the user can NOT select a data file that he/she wishes to reproduce without changing this file.** However, Applicants submit that **in the present invention**, once the data file is selected by the user, the selected data is reproduced **regardless of whether or not it is changed** (See page 10, paragraph [0043] and Fig. 6, Step 603). Thus, nothing has been found in Boyle that teaches at least one of the image data and audio data to be reproduced is selected by a user **independently of the user’s operation to change the selected data,** as recited in claim 9.

Therefore, Applicants respectfully submit that claim 9 is patentable.

For reasons similar to those described above with regard to independent claim 9, the independent claims 11 and 13 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

#### **CONCLUSION**

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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